

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK
MAGISTRATE JUDGE WHITE

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. :
 :
 ARIEL A. HERNANDEZ, :
 :
 Defendant. :

NIGHT BOX
FILED
MAR 16 2006
FEDERAL MAGISTRATE
CLERK USA, SD, FLA

GOVERNMENT'S MOTION TO UNSEAL PRE-SENTENCE INVESTIGATION (PSI)
REPORT AND ORDER THAT PROBATION PROVIDE A COPY TO THE COURT

The United States of America, by and through its undersigned Assistant United States Attorney, hereby moves this Court for an order unsealing the Pre-Sentence Investigation (PSI) Report for defendant Ariel Hernandez in this case, and directing the Probation Office to provide a copy of the same to Magistrate Judge White, and in support thereof states as follows:

1. Defendant Hernandez filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 on January 9, 2006 in this case, which was assigned Case No. 06-60029-CIV-HUCK (CR-DE 736).

2. In order to respond to defendant's §2255 motion, it was necessary for the government to refer to information in the PSI in its response, which is being filed simultaneously with this motion.

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3. There appears to be no continuing need for the PSI and related documents to remain sealed, and the availability of these documents to the Court would likely aid in the Court's resolution of defendant's §2255 motion.

WHEREFORE, the United States of America respectfully requests that this Court order that the PSI Report be unsealed and that the Probation Office provide a copy of these documents to Magistrate Judge White.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY: 

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CERTIFICATE OF SERVICE

This is to certify that a copy of the within and foregoing motion has been forwarded this 16th day of March 2006, to: Ariel A. Hernandez, Prisoner No. 04-61011, Turner Guilford Knight Correctional Center, 7000 N.W. 41st St., Miami, FL 33166.



LAWRENCE D. LAVECCHIO
ASSISTANT UNITED STATES ATTORNEY